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[Additional Counsel Appear on Signature Pages]

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN CALIFORNIA
SAN JOSE DIVISION**

IN RE: LENOVO ADWARE LITIGATION

This Document Relates to All Cases

Case No. 5:15-md-02624-RMW

STIPULATION AND [PROPOSED] CASE
MANAGEMENT ORDER NO. 5

1 On April 14, 2016, the parties jointly submitted their Stipulation and [Proposed] Case
2 Management Order No. 4, which sought to extend the pre-trial schedule by approximately one month.
3 *See* Dkt. No. 117. The stipulation was so ordered by the Court on April 28, 2016. *See* Dkt. No. 118.

4 Since the filing of that stipulation on April 14, 2016, the parties have undertaken significant
5 efforts to advance the litigation and prepare for the class certification motion. Plaintiffs have been
6 working with their experts on class certification related issues, are continuing their review of
7 information produced by Lenovo and Superfish, and have noticed a deposition of Lenovo pursuant to
8 Fed. R. Civ. P. 30(b)(6) on a number of topics relevant to the class certification motion. Due to
9 difficulties locating and scheduling an appropriate Lenovo witness, that deposition will now go forward
10 on June 22, 2016 in North Carolina. In accordance with the terms of the Superfish settlement
11 agreement, plaintiffs also have scheduled informal interviews with certain Superfish executives and
12 senior employees.

13 Lenovo has been working with its experts on class certification related issues, has responded
14 further to plaintiffs' discovery requests, has served discovery on the plaintiffs, and has noticed the
15 plaintiffs' depositions. The first of those depositions took place in Chicago on June 2, 2016, and the
16 remaining plaintiffs' depositions are scheduled to be completed by the end of this month.

17 The parties agree that completing the discovery described above before the class certification
18 motion is filed will allow them to litigate class certification more efficiently and with the benefit of a
19 fuller evidentiary record. And, as set forth in the April 14, 2016 stipulation, the parties also believe that
20 a ruling on the pending motion to dismiss prior to filing the class certification motion will be beneficial
21 to all involved. *See* Dkt. No. 117 at p. 1.

22 In light of the ongoing class certification related discovery and the unsettled nature of the
23 pleadings, the parties believe that the pre-trial schedule should be further modified in the manner set
24 forth below.

25 NOW THEREFORE, the parties, by and through their respective counsel of record, hereby
26 stipulate as follows:

27 Class Certification
28

1 1. The date by which plaintiffs file their class certification motion shall be extended from
2 June 21, 2016 to August 19, 2016;

3 2. Lenovo shall file its opposition to the class certification motion by September 16, 2016;

4 3. Plaintiffs shall file their reply on the class certification motion by October 14, 2016;

5 Fact and Expert Discovery

6 4. The non-expert discovery cut-off shall be extended from August 24, 2016 to October 26,
7 2016;

8 5. The date by which expert reports are served shall be extended from September 23, 2016
9 to November 23, 2016;

10 6. The date by which opposition expert reports are served shall be extended from October
11 24, 2016 to December 21, 2016;

12 7. The date by which reply expert reports are served shall be extended from November 7,
13 2016 to January 11, 2017;

14 8. The expert discovery cut-off shall be January 27, 2017;

15 Summary Judgment/Dispositive Motions

16 9. The date by which summary judgment/dispositive motions are filed shall be extended
17 from December 2, 2016 to February 24, 2017;

18 10. Oppositions to any summary judgment/dispositive motions shall be filed by March 24,
19 2017; and

20 11. Replies to any summary judgment/dispositive motions shall be filed by April 21, 2017.

21 SO STIPULATED.

22
23 Dated: June 6, 2016

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Counsel for Defendant Lenovo

PROPOSED ORDER

Pursuant to Stipulation, it is SO ORDERED.

DATED: _____

HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE

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